

REMARKS/ARGUMENTS

In response to the rejection of Claim 7, this claim has been canceled.

The remaining claims stand rejected as obvious over a combination of O'Neil and Langseth et al. For the reasons set forth below, it is submitted that independent Claims 1 and 19 and the claims dependent thereon are not obvious over O'Neil and Langseth within the meaning of 35 U.S.C. 103. It is requested that the Examiner reconsider and withdraw the rejections.

O'Neil teaches a real-time telephone call monitoring, ring, and response system including real-time interfaces and switching centers that create and maintain in-process call detail records for on-going telephone calls. The real-time interfaces are accessed by a real-time monitoring unit in a billing system. The billing system maintains accounts and associated service profiles for subscribers. The billing system may also obtain temporary service profiles for roamers. For both subscribers and roamers, the billing system monitors the in-process call detail records in real time and instructs the switching centers to take certain actions, such as obtaining an alternate payment source or disconnecting a communication, in response to financial considerations determined by the billing system. Prepaid charging systems are well known in mobile telecommunication systems.

However, independent Claims 1 and 19 are directed to a method for using and charging Internet services by way of a mobile telephone as opposed to the prepaid, real-time charging of "conventional" telephone services. Accordingly, O'Neil fails to disclose the method.

Furthermore, referring to independent Claims 1 and 19, O'Neil fails to teach the step of opening a micropayment account at a bank where the payment gateway and the micropayment account are continuously synchronized by means of matching the respective databases. With reference to paragraph 16 in present application, it is disclosed that the micropayment account is maintained as a sub-account of an actual bank account at a bank, which micropayment account is continuously synchronized with the payment gateway. This is quite different from a roamer clearing house as disclosed by O'Neil and is also different from merely accessing the user's regular bank account.

O'Neil further fails to disclose the step of reserving a certain amount in the micropayment account via the payment gateway and authorized by the user to the provider. The section of O'Neil pointed to by the Examiner describes a prepaid telephone service card

activation unit, which is different from a micropayment account at an actual bank, and although the subscriber may utilize means for authorizing debiting from a credit or debit bank account, this again is not the same as a micropayment account that is established and synchronized with the payment gateway. Stemming from this deficiency of O'Neil, this reference further fails to teach the steps of the provider debiting amounts against the amount reserved, transmitting the actual charges from the provider to the payment gateway upon conclusion of the process, and allocating the actual charges to the reserved certain amount, wherein the gateway debits the amounts to the micropayment account, credits the provider and cancels the respective reserved certain amount.

Langseth fails to disclose the above-identified features not disclosed by O'Neil.

It is submitted that one of ordinary skill in the art would not be able to arrive at the subject matter of independent Claims 1 and 19 because the above-identified significant steps of the claimed method are not disclosed in either of O'Neil or Langseth.

With regard to Claims 14-18, O'Neil fails to teach that the reserving step comprises receiving matching data relating to the reserved certain amount from the mobile telephone user terminal and the provider. The text at column 16 of O'Neil does not disclose the step of matching monetary data relating to the reserved amount in the micropayment account from the mobile telephone user terminal and the provider.

Since the subject matter of the remaining claims is not disclosed by the references, whether considered singly or in combination, a *prima facie* case of obviousness under 35 U.S.C. 103 has not been made out by the Examiner. It is respectfully requested that the Examiner reconsider and withdraw the rejections and pass the application to issue. However,

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if the Examiner believes that it would be of assistance in expediting prosecution, it is requested that he contact the undersigned at 260-260-1692.

Respectfully submitted,

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JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

February 22, 2005

Date